

108TH CONGRESS
1ST SESSION

H. R. 218

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. CUNNINGHAM (for himself, Mr. BARTLETT of Maryland, Mr. GIBBONS, Mr. JENKINS, Mr. SHUSTER, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. CALVERT, Mr. WAMP, Mr. WELDON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mrs. MALONEY, Mr. SHIMKUS, Mr. MICA, Mr. SHAYS, Mr. ISAKSON, Mr. MOORE, Mr. CRANE, Ms. BERKLEY, Mr. MCHUGH, Mr. CRAMER, Mr. KLECZKA, Mrs. CUBIN, Mr. MCGOVERN, Mr. LEWIS of California, Mr. HINCHEY, Mr. STUPAK, Mr. HALL, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. TERRY, Mr. RYAN of Ohio, Mr. ALEXANDER, Mr. DUNCAN, Mr. BILIRAKIS, Mr. BAIRD, Mr. BISHOP of Georgia, Mr. LEWIS of Kentucky, Mr. STRICKLAND, Mr. HOLDEN, Mr. POMEROY, Mr. SAXTON, Mr. LINDER, Mr. ROGERS of Alabama, Mr. COBLE, Mr. ETHERIDGE, Mr. SCHIFF, Mr. SIMMONS, Mr. FRANKS of Arizona, Mr. WALSH, Mr. KING of New York, Mrs. KELLY, Mr. HOEFFEL, Mr. BUYER, Mr. REHBERG, Mr. HAYWORTH, Mr. RAHALL, Mr. SOUDER, Mr. GREEN of Texas, Mr. RYUN of Kansas, Mr. KANJORSKI, Mr. FORBES, and Mr. BAKER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Law Enforcement Offi-
3 cers Safety Act of 2003”.

4 **SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OF-**
5 **FICERS FROM STATE LAWS PROHIBITING**
6 **THE CARRYING OF CONCEALED FIREARMS.**

7 (a) IN GENERAL.—Chapter 44 of title 18, United
8 States Code, is amended by inserting after section 926A
9 the following:

10 **“§ 926B. Carrying of concealed firearms by qualified**
11 **law enforcement officers**

12 “(a) Notwithstanding any other provision of the law
13 of any State or any political subdivision thereof, an indi-
14 vidual who is a qualified law enforcement officer and who
15 is carrying the identification required by subsection (d)
16 may carry a concealed firearm that has been shipped or
17 transported in interstate or foreign commerce, subject to
18 subsection (b).

19 “(b) This section shall not be construed to supersede
20 or limit the laws of any State that—

21 “(1) permit private persons or entities to pro-
22 hibit or restrict the possession of concealed firearms
23 on their property; or

24 “(2) prohibit or restrict the possession of fire-
25 arms on any State or local government property, in-
26 stallation, building, base, or park.

1 “(c) As used in this section, the term ‘qualified law
2 enforcement officer’ means an employee of a governmental
3 agency who—

4 “(1) is authorized by law to engage in or super-
5 vise the prevention, detection, investigation, or pros-
6 ecution of, or the incarceration of any person for,
7 any violation of law, and has statutory powers of ar-
8 rest;

9 “(2) is authorized by the agency to carry a fire-
10 arm;

11 “(3) is not the subject of any disciplinary action
12 by the agency;

13 “(4) meets standards, if any, established by the
14 agency which require the employee to regularly qual-
15 ify in the use of a firearm; and

16 “(5) is not prohibited by Federal law from re-
17 ceiving a firearm.

18 “(d) The identification required by this subsection is
19 the photographic identification issued by the governmental
20 agency for which the individual is, or was, employed as
21 a law enforcement officer.

22 “(e) DEFINED TERM.—As used in this section, the
23 term ‘firearm’ does not include—

24 “(1) any machinegun (as defined in section
25 5845 of title 26);

1 “(2) any firearm silencer (as defined in section
2 921); and

3 “(3) any destructive device (as defined in sec-
4 tion 921).”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for such chapter is amended by inserting after the item
7 relating to section 926A the following:

“926B. Carrying of concealed firearms by qualified law enforcement officers.”.

8 **SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW EN-**
9 **FORCEMENT OFFICERS FROM STATE LAWS**
10 **PROHIBITING THE CARRYING OF CON-**
11 **CEALED FIREARMS.**

12 (a) IN GENERAL.—Chapter 44 of title 18, United
13 States Code, is further amended by inserting after section
14 926B the following:

15 **“§ 926C. Carrying of concealed firearms by qualified**
16 **retired law enforcement officers**

17 “(a) Notwithstanding any other provision of the law
18 of any State or any political subdivision thereof, an indi-
19 vidual who is a qualified retired law enforcement officer
20 and who is carrying the identification required by sub-
21 section (d) may carry a concealed firearm that has been
22 shipped or transported in interstate or foreign commerce,
23 subject to subsection (b).

24 “(b) This section shall not be construed to supersede
25 or limit the laws of any State that—

1 “(1) permit private persons or entities to pro-
2 hibit or restrict the possession of concealed firearms
3 on their property; or

4 “(2) prohibit or restrict the possession of fire-
5 arms on any State or local government property, in-
6 stallation, building, base, or park.

7 “(c) As used in this section, the term ‘qualified re-
8 tired law enforcement officer’ means an individual who—

9 “(1) retired in good standing from service with
10 a public agency as a law enforcement officer, other
11 than for reasons of mental instability;

12 “(2) before such retirement, was authorized by
13 law to engage in or supervise the prevention, detec-
14 tion, investigation, or prosecution of, or the incarcer-
15 ation of any person for, any violation of law, and
16 had statutory powers of arrest;

17 “(3)(A) before such retirement, was regularly
18 employed as a law enforcement officer for an aggre-
19 gate of 15 years or more; or

20 “(B) retired from service with such agency,
21 after completing any applicable probationary period
22 of such service, due to a service-connected disability,
23 as determined by such agency;

24 “(4) has a nonforfeitable right to benefits under
25 the retirement plan of the agency;

1 “(5) during the most recent 12-month period,
 2 has met, at the expense of the individual, the State’s
 3 standards for training and qualification for active
 4 law enforcement officers to carry firearms; and

5 “(6) is not prohibited by Federal law from re-
 6 ceiving a firearm.

7 “(d) The identification required by this subsection is
 8 photographic identification issued by the agency for which
 9 the individual was employed as a law enforcement officer.

10 “(e) DEFINED TERM.—As used in this section, the
 11 term ‘firearm’ does not include—

12 “(1) any machinegun (as defined in section
 13 5845 of title 26);

14 “(2) any firearm silencer (as defined in section
 15 921); and

16 “(3) a destructive device (as defined in section
 17 921).”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 for such chapter is further amended by inserting after the
 20 item relating to section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement offi-
 cers.”.

○